

GILBERT HERNANDEZ  
Nevada Bar No. 11153  
COZEN O'CONNOR  
501 West Broadway, Suite 1610  
San Diego, CA 92101  
Toll Free Phone: 800.782.3366  
Facsimile: 619.234.7831

Designation for Service Only:  
Schuetze & McGaha  
601 South Rancho Drive, Suite C-20  
Las Vegas, NV 89106

Attorneys for Plaintiff PACIFIC INDEMNITY COMPANY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

PACIFIC INDEMNITY COMPANY, a Wisconsin  
corporation,

Plaintiff,

- vs -

REEL EFX, INC., a California corporation;  
NIDEC MOTOR CORPORATION, a Delaware  
corporation; and DOES 1 - 30, inclusive,

Defendants.

AND RELATED CROSS-ACTION.

Case No. 2:14-cv-01533-APG-NJK

~~[PROPOSED]~~ **JOINT DISCOVERY  
PLAN AND SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW  
REQUESTED]**

COMES NOW, Plaintiff Pacific Indemnity Company, by and through its attorneys of record,  
Gilbert Hernandez, of the law firm COZEN O'CONNOR; Defendant/Cross-Claimant Reel EFX,  
Inc., by and through its attorneys of record, Timothy F. Hunter, of the law firm RAY LEGO &  
ASSOCIATES; and Defendant/Cross-Defendant Nidec Motor Corporation, by and through its  
attorneys of record, David W. Gutke, of the law firm SNELL & WILMER L.L.P., and hereby submit  
this Proposed Joint Discovery Plan and Scheduling Order.

///

1 **Fed.R.Civ.P.26(f) Conference**

2 The parties conducted the FRCP 26(f) conference on December 16, 2014 and there were no  
3 discovery disputes at that time. The parties have agreed to serve their Initial Disclosures by  
4 **December 30, 2014** – 14 days from the date of the FRCP Rule 26 conference. Discovery will be  
5 needed on subjects of liability and damages. Based upon counsels' review of the issues in this case,  
6 the parties now propose the following discovery plan:

7 1. **Discovery Cut-Off Date:** Defendant Nidec Motor Corporation filed its Answer to  
8 Plaintiff's First Amended Complaint on October 23, 2014. Based upon the issues reviewed by  
9 counsel, the parties require 240 days for discovery. The reason for the special scheduling request is  
10 that this is a product liability action of a highly technical nature, and the parties' consultants will  
11 require time for additional destructive testing of evidence. The parties request a discovery cut-off  
12 date of **June 19, 2015**.

13 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions  
14 to amend the pleadings or to add parties be filed no later than **March 20, 2015** – 90 days prior to the  
15 proposed close of discovery.

16 3. **Fed.R.Civ.P.26(a)(2) Disclosure (Experts):** The parties request the disclosure of  
17 experts be made on or before **April 20, 2015** – 60 days before the proposed discovery cut-off date.  
18 Disclosure of rebuttal experts shall be made by **May 20, 2015** – 30 days after the initial disclosure of  
19 experts.

20 4. **Interim Status Report:** The parties shall file the interim status report required by  
21 LR26-3 by **April 20, 2015**, which is 60 days before the discovery cut-off date.

22 5. **Dispositive Motions:** The date for filing dispositive motions shall not be later than  
23 **July 20, 2015** – 31 days after the proposed discovery cut-off date. In the event that the discovery  
24 period is extended from the discovery cut-off date set forth in this proposed Discovery Plan and  
25 Scheduling Order, the date for filing dispositive motions shall be extended to be not later than 30  
26 days from the subsequent discovery cut-off date.

27 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than  
28 **August 19, 2015** – 30 days after the cut-off date for filing dispositive motions. In the event that

dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

7. **Fed.R.Civ.P.26(a)(3) Disclosure:** The disclosures required by Fed.R.Civ.P.26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

8. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline.

Requests to extend discovery deadline must comply fully with LR 26-4.

DATED this 16th day of December, 2014.

COZEN O'CONNOR

RAY LEGO & ASSOCIATES

By: /s/ Gilbert Hernandez

By: /s/ Timothy F. Hunter

GILBERT HERNANDEZ

TIMOTHY F. HUNTER

Nevada Bar No. 11153

Nevada Bar No. 10622

501 West Broadway, Suite 1610

7450 Arroyo Crossing Parkway, Suite 250

San Diego, CA 92101

Las Vegas, NV 89113

Toll Free Phone: 800.782.3366

Telephone: 702.479.4350

Facsimile: 619.234.7831

Facsimile: 702.270.4602

*Attorneys for Plaintiff PACIFIC INDEMNITY COMPANY*

*Attorneys for Defendant/Cross-Claimant REEL EFX, INC.*

SNELL & WILMER L.L.P.

By: /s/ David W. Gutke

DAVID W. GUTKE

TIMOTHY O'NEILL

Nevada Bar No. 09820

3883 Howard Hughes Parkway, Suite 1100

Las Vegas, NV 89169

Telephone: 702.784.5200

Facsimile: 702.784.5252

*Attorneys for Defendant/Cross-Defendant NIDEC MOTOR CORPORATION*

IT IS SO ORDERED.

DATED: December 17, 2014

///

  
NANCY J. KOPPE

United States Magistrate Judge